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23 CALIFORNIA INSTITUTE OF TECHNOLOGY

24 UNITED STATES DISTRICT COURT  
25 CENTRAL DISTRICT OF CALIFORNIA

26 CALIFORNIA INSTITUTE OF  
27 TECHNOLOGY

28 *Plaintiff,*

*VS.*

CANON U.S.A., INC., CANON, INC.,  
NIKON, INC., NIKON CORP.,  
OLYMPUS AMERICA, INC.,  
OLYMPUS CORP., PANASONIC  
CORP. OF NORTH AMERICA,  
PANASONIC CORP., SONY  
ELECTRONICS, INC., SONY CORP.,  
SAMSUNG ELECTRONICS  
AMERICA, INC., AND SAMSUNG  
ELECTRONICS CO., LTD.

*Defendants.*

2008 DEC 31 AM 11:05  
CLERK OF DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
SANTA ANA

FILED

CASE NO.: CV08-08637 MRP (VBKx)

PLAINTIFF'S ORIGINAL  
COMPLAINT

1 Plaintiff California Institute of Technology ("Plaintiff") brings this action for  
2 patent infringement against Canon U.S.A., Inc., Canon, Inc., Nikon, Inc., Nikon  
3 Corp., Olympus America, Inc., Olympus Corp., Panasonic Corp. of North America,  
4 Panasonic Corp., Sony Electronics, Inc., Sony Corp., Samsung Electronics America,  
5 Inc., and Samsung Electronics Co., Ltd., (collectively, "Defendants") as follows:

## 6 I. JURISDICTION AND VENUE

7 1. This is an action for patent infringement arising under the patent laws  
8 of the United States, Title 35, United States Code. The Court's jurisdiction is proper  
9 under the above statutes, including 35 U.S.C. § 271 *et. seq.*, and 28 U.S.C. §§ 1331  
10 and 1338(a).

11 2. This Court has personal jurisdiction over each Defendant. Each  
12 Defendant has conducted and does conduct business within the State of California.  
13 Each Defendant, directly or through intermediaries (including distributors, retailers,  
14 and others), ships, distributes, offers for sale, and sells its products in the United  
15 States, the State of California, and the Central District of California. Each  
16 Defendant has purposefully and voluntarily placed one or more of its infringing  
17 products, as described below, into the stream of commerce with the expectation that  
18 they will be purchased by consumers in the Central District of California. These  
19 infringing products have been and continue to be purchased by consumers in the  
20 Central District of California. Each Defendant has committed the tort of patent  
21 infringement within the State of California and, more particularly, within the Central  
22 District of California.

23 3. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d),  
24 as well as 28 U.S.C. § 1400(b).

## 25 II. THE PARTIES

26 4. Plaintiff California Institute of Technology ("Caltech") is a private  
27 university having a principal address of 1200 East California Boulevard, Pasadena,  
28 California 91125.

1           5.     Upon information and belief, Canon U.S.A., Inc. is, and at all relevant  
2 times mentioned herein was, a corporation organized under the laws of New York,  
3 having its principal place of business at One Canon Plaza, Lake Success, New York  
4 11042-1113. Canon U.S.A., Inc. is authorized to do business in California and may  
5 be served by serving its registered agent, CT Corporation System, 818 West Seventh  
6 St., Los Angeles, CA 90017.

7           6.     Upon information and belief, Canon, Inc. is, and at all relevant times  
8 mentioned herein was, a corporation organized under the laws of Japan, having its  
9 principal place of business at 30-2 Shimomaruko 3 Chome, OHTA-KU, Tokyo 146-  
10 8501, Japan. Upon information and belief, Canon, Inc. is a nonresident of  
11 California that engages in business in this state, but does not maintain a regular  
12 place of business in this state or a designated agent for service of process in this  
13 state. Canon, Inc. may be served with process in Japan pursuant to the Hague  
14 Convention on the Service Abroad of Judicial and Extrajudicial Documents. Canon  
15 U.S.A., Inc. and Canon, Inc. will be collectively referred to as "Canon."

16           7.     Upon information and belief, Nikon, Inc. is, and at all relevant times  
17 mentioned herein was, a corporation organized under the laws of New York, having  
18 its principal place of business at 1300 Walt Whitman Rd., Melville, New York  
19 11747-3064. Nikon, Inc. is authorized to do business in California and may be  
20 served by serving its registered agent, CT Corporation System, 818 West Seventh  
21 St., Los Angeles, CA 90017.

22           8.     Upon information and belief, Nikon Corp. is, and at all relevant times  
23 mentioned herein was, a corporation organized under the laws of Japan, having its  
24 principal place of business at Fuji Bldg., 2-3, Manrunouchi 3-chome, Chiyoda-Ku,  
25 Tokyo Japan 100-8331. Upon information and belief, Nikon Corp. is a nonresident  
26 of California that engages in business in this state, but does not maintain a regular  
27 place of business in this state or a designated agent for service of process in this  
28 state. Nikon Corp. may be served with process in Japan pursuant to the Hague

1 Convention on the Service Abroad of Judicial and Extrajudicial Documents. Nikon,  
2 Inc. and Nikon Corp. will be collectively referred to as "Nikon."

3 9. Upon information and belief, Olympus America, Inc. is, and at all  
4 relevant times mention herein was, a corporation organized under the laws of New  
5 York, having its principal place of business at 3500 Corporation Parkway, P.O. Box  
6 610, Center Valley, Pennsylvania 18034. Olympus America, Inc. is authorized to  
7 do business in California and may be served by serving its registered agent,  
8 Corporate Services Co. d/b/a CSC-Lawyers Incorporating Service, 2730 Gateway  
9 Oaks Dr., Ste. 100, Sacramento, CA 95833.

10 10. Upon information and belief, Olympus Corp. is, and at all relevant  
11 times mentioned herein was, a corporation organized under the laws of Japan,  
12 having its principal place of business at Shinjuku Monolith, 2-3-1 Nishi-Shinjuku,  
13 Shinjuku-Ku, Tokyo 163-0914, Japan. Upon information and belief, Olympus  
14 Corp. is a nonresident of California that engages in business in this state, but does  
15 not maintain a regular place of business in this state or a designated agent for service  
16 of process in this state. Olympus Corp. may be served with process in Japan  
17 pursuant to the Hague Convention on the Service Abroad of Judicial and  
18 Extrajudicial Documents. Olympus America, Inc. and Olympus Corp. will be  
19 collectively referred to as "Olympus."

20 11. Upon information and belief, Panasonic Corp. of North America is, and  
21 at all relevant times mentioned here was, a corporation organized under the laws of  
22 Delaware, having its principal place of business at One Panasonic Way, 7I-1,  
23 Secaucus, New Jersey 07094. Panasonic Corp. of North America is authorized to do  
24 business in California and may be served by serving its registered agent, CT  
25 Corporation System, 818 West Seventh St., Los Angeles, CA 90017.

26 12. Upon information and belied, Panasonic Corp. is, and at all relevant  
27 time mentioned herein was, a corporation organized under the laws of Japan, having  
28 its principal place of business at 1006, Kadoma, Kadoma City, Osaka 571-8501,

1 Japan. Upon information and belief, Panasonic Corp. is a nonresident of California  
2 that engages in business in this state, but does not maintain a regular place of  
3 business in this state or a designated agent for service of process in this state.  
4 Panasonic Corp. may be served with process in Japan pursuant to the Hague  
5 Convention on the Service Abroad of Judicial and Extrajudicial Documents.  
6 Panasonic Corp. of North America and Panasonic Corp. will be collectively referred  
7 to as "Panasonic."

8 13. Upon information and belief, Sony Electronics, Inc. is, and at all  
9 relevant time mentioned herein was, a corporation organized under the laws of  
10 Delaware, having its principal place of business at 555 Madison Ave, 8th Floor,  
11 New York, New York 10022. Sony Electronics, Inc. is authorized to do business in  
12 California and may be served by serving its registered agent, Corporate Services Co.  
13 d/b/a CSC-Lawyers Incorporating Service, 2730 Gateway Oaks Dr., Ste. 100,  
14 Sacramento, CA 95833.

15 14. Upon information and belief, Sony Corp. is, and at all relevant time  
16 mentioned herein was, a corporation organized under the laws of Japan, having its  
17 principal place of business at 7-1, Konan, 1-Chome, Minato-Ku, Tokyo Japan M0  
18 108-0075. Upon information and belief, Sony Corp. is a nonresident of California  
19 that engages in business in this state, but does not maintain a regular place of  
20 business in this state or a designated agent for service of process in this state. Sony  
21 Corp. may be served with process in Japan pursuant to the Hague Convention on the  
22 Service Abroad of Judicial and Extrajudicial Documents. Sony Electronics, Inc. and  
23 Sony Corp. will be collectively referred to as "Sony."

24 15. Upon information and belief, Samsung Electronics America, Inc. is,  
25 and at all relevant time mentioned herein was, a corporation organized under the  
26 laws of New York, having its principal place of business at 105 Challenger Road,  
27 Ridgefield Park, New Jersey 07660. Samsung Electronics America, Inc. is  
28 authorized to do business in California and may be served by serving its registered

1 agent, CT Corporation System, 818 West Seventh St., Los Angeles, CA 90017.

2 16. Upon information and belief, Samsung Electronics Co., Ltd. is, and at  
3 all relevant time mentioned herein was, a corporation organized under the laws of  
4 Korea, having its principal place of business at Samsung Main Building, 250,  
5 Taepyeongno 2-ga, Jung-gu, Seoul 100-742 Korea. Upon information and belief,  
6 Samsung Electronics Co., Ltd. is a nonresident of California that engages in  
7 business in this state, but does not maintain a regular place of business in this state  
8 or a designated agent for service of process in this state. Samsung Electronics Co.,  
9 Ltd may be served with process in Korea pursuant to the Hague Convention on the  
10 Service Abroad of Judicial and Extrajudicial Documents. Samsung Electronics  
11 America, Inc. and Samsung Electronics Co., Ltd will be collectively referred to as  
12 "Samsung."

### 13 III. PATENTS-IN-SUIT

14 17. On November 23, 1999, the United States Patent and Trademark Office  
15 ("USPTO") issued U.S. Patent No. 5,990,506 entitled "Active Pixel Sensors with  
16 Substantially Planarized Color Filtering Elements" (hereinafter "the '506 patent").  
17 A true and correct copy of the '506 patent is attached hereto as Exhibit A.

18 18. On September 24, 2002, the USPTO issued U.S. Patent No. 6,456,326  
19 entitled "Single Chip Camera Having Double Sampling Operation" (hereinafter "the  
20 '326 patent"). A true and correct copy of the '326 patent is attached hereto as  
21 Exhibit B.

22 19. On April 15, 2003, the USPTO issued U.S. Patent No. 6,549,235  
23 entitled "Single Substrate Camera Device with CMOS Image Sensor" (hereinafter  
24 "the '235 patent"). A true and correct copy of the '235 patent is attached hereto as  
25 Exhibit C.

26 20. On April 29, 2004, the USPTO issued U.S. Patent No. 6,555,842  
27 entitled "Active Pixel Sensor with Intra-pixel Charge Transfer" (hereinafter "the  
28 '842 patent"). A true and correct copy of the '842 patent is attached hereto as

1 Exhibit D.

2 21. On May 27, 2003, the USPTO issued U.S. Patent No. 6,570,617  
3 entitled "CMOS Active Pixel Sensor Type Imaging System on a Chip" (hereinafter  
4 "the '617 patent"). A true and correct copy of the '617 patent is attached hereto as  
5 Exhibit E.

6 22. On June 1, 2004, the USPTO issued U.S. Patent No. 6,744,068 entitled  
7 "Active Pixel Sensor with Intra-pixel Charge Transfer" (hereinafter "the '068  
8 patent"). A true and correct copy of the '068 patent is attached hereto as Exhibit F.

9 23. Collectively, the '506 patent, the '326 patent, the '235 patent, the '842  
10 patent, the '617 patent, and the '068 patent are referred to as "the Caltech patents."

11 24. Caltech is the owner of all right, title, and interest in and to the Caltech  
12 patents by assignment, with full right to bring suit to enforce each of the patents,  
13 including the right to recover for past infringement damages.

#### 14 IV. PATENT INFRINGEMENT

15 25. Caltech repeats and re-alleges the allegations in paragraphs 1-24 as  
16 though fully set forth herein.

17 26. The Caltech patents are valid and enforceable.

18 27. All requirements under 35 U.S.C. § 287 have been satisfied with  
19 respect to the Caltech patents.

20 28. Canon has been and is infringing the Caltech patents by making, using,  
21 selling, offering for sale, and/or importing in or into the United States, without  
22 authority, products that fall within the scope of the claims of the Caltech patents,  
23 including but not limited to the products known as Canon EOS 50D, Canon EOS  
24 40D, Canon EOS Digital Rebel XTI or 400D (E), Canon EOS Digital Rebel XT or  
25 350D (E), Canon EOS 30D, Canon EOS 20D, Canon EOS 20Da, Canon EOS 10D,  
26 Canon EOS Digital Rebel or 300D (E), Canon EOS D60, Canon EOS-1D Mark III,  
27 Canon EOS-1D, Canon EOS-1D Mark II, Canon EOS 1D Mark II N, Canon EOS-  
28 1Ds, Canon EOS-1Ds Mark II, Canon EOS-1Ds Mark III, Canon EOS 5D, Canon



1 EOS 5D Mark II, Canon Vixia HF10, Canon Vixia HF100, Canon Vixia HV30,  
2 Canon Vixia HV20, Canon Vixia HV10, Canon Vixia HG10, and Canon Vixia  
3 HR10.

4       29. Canon has been and is continuing to induce infringement of the Caltech  
5 patents under 35 U.S.C. § 271(b) and contributes to the infringement of the Caltech  
6 patents under 35 U.S.C. § 271(c), in conjunction with such acts of making, using,  
7 offering for sale, and/or importing in or into the United States, without authority,  
8 instrumentalities that fall within the scope of one or more claims of each of the  
9 Caltech patents. The infringing instrumentalities have no substantial non-infringing  
10 uses.

11       30. Canon had and continues to have actual knowledge of the Caltech  
12 patents and their coverage of Canon's infringing instrumentalities, but has  
13 nonetheless engaged in the infringing conduct. Canon's infringement of the Caltech  
14 patents was and continues to be willful.

15       31. Nikon has been and is infringing the Caltech patents by making, using,  
16 selling, offering for sale, and/or importing in or into the United States, without  
17 authority, products that fall within the scope of the claims of the Caltech patents,  
18 including but not limited to the products known as Nikon D300, Nikon D3, Nikon  
19 D2Xs, Nikon D2X, and Nikon D700.

20       32. Nikon has been and is continuing to induce infringement of the Caltech  
21 patents under 35 U.S.C. § 271(b) and contributes to the infringement of the Caltech  
22 patents under 35 U.S.C. § 271(c), in conjunction with such acts of making, using,  
23 offering for sale, and/or importing in or into the United States, without authority,  
24 instrumentalities that fall within the scope of one or more claims of each of the  
25 Caltech patents. The infringing instrumentalities have no substantial non-infringing  
26 uses.

27       33. Nikon had and continues to have actual knowledge of the Caltech  
28 patents and their coverage of Nikon's infringing instrumentalities, but has



1 nonetheless engaged in the infringing conduct. Nikon's infringement of the Caltech  
2 patents was and continues to be willful.

3 34. Olympus has been and is infringing the Caltech patents by making,  
4 using, selling, offering for sale, and/or importing in or into the United States,  
5 without authority, products that fall within the scope of the claims of the Caltech  
6 patents, including but not limited to the products known as Olympus E-3, Olympus  
7 E-520, Olympus E-420, Olympus EVOLT E-510, Olympus EVOLT E-410 and  
8 Olympus EVOLT E-330.

9 35. Olympus has been and is continuing to induce infringement of the  
10 Caltech patents under 35 U.S.C. § 271(b) and contributes to the infringement of the  
11 Caltech patents under 35 U.S.C. § 271(c), in conjunction with such acts of making,  
12 using, offering for sale, and/or importing in or into the United States, without  
13 authority, instrumentalities that fall within the scope of one or more claims of each  
14 of the Caltech patents. The infringing instrumentalities have no substantial non-  
15 infringing uses.

16 36. Olympus had and continues to have actual knowledge of the Caltech  
17 patents and their coverage of Olympus's infringing instrumentalities, but has  
18 nonetheless engaged in the infringing conduct. Olympus's infringement of the  
19 Caltech patents was and continues to be willful.

20 37. Panasonic has been and is infringing the Caltech patents by making,  
21 using, selling, offering for sale, and/or importing in or into the United States,  
22 without authority, products that fall within the scope of the claims of the Caltech  
23 patents, including but not limited to the products known as Panasonic Lumix DMC-  
24 L10 and Panasonic Lumix DMC-L1.

25 38. Panasonic has been and is continuing to induce infringement of the  
26 Caltech patents under 35 U.S.C. § 271(b) and contributes to the infringement of the  
27 Caltech patents under 35 U.S.C. § 271(c), in conjunction with such acts of making,  
28 using, offering for sale, and/or importing in or into the United States, without

1 authority, instrumentalities that fall within the scope of one or more claims of each  
2 of the Caltech patents. The infringing instrumentalities have no substantial non-  
3 infringing uses.

4 39. Panasonic had and continues to have actual knowledge of the Caltech  
5 patents and their coverage of Panasonic's infringing instrumentalities, but has  
6 nonetheless engaged in the infringing conduct. Panasonic's infringement of the  
7 Caltech patents was and continues to be willful.

8 40. Sony has been and is infringing the Caltech patents by making, using,  
9 selling, offering for sale, and/or importing in or into the United States, without  
10 authority, products that fall within the scope of the claims of the Caltech patents,  
11 including but not limited to the products known as Sony DSLR-A700, Sony DSC-  
12 R1, Sony HDR-HC7, Sony HDR-SR7E, Sony HDR-UX7, Sony HDR-UX7E, Sony  
13 HVR-HD1000U, Sony HDR-HC9, Sony HVR-Z7E, Sony HDR-HC5, Sony HDR-  
14 HC5E, Sony HDR-SR1, Sony HDR-SR5, Sony HDR-SR5E, Sony HDR-UX5, Sony  
15 HVR-A1U, Sony HDR-CX7, Sony HDR-SR7, Sony HDR-SR8, Sony HDR-CX12,  
16 Sony HDR-SR11, Sony, HDR-SR12, Sony V1U, Sony HDR-FX7, Sony HDR-  
17 FX7E, Sony HDR-SR10, Sony HDR-SR10D, Sony HDR-TG1, Sony HDR-UX10,  
18 and Sony HDR-UX20.

19 41. Sony has been and is continuing to induce infringement of the Caltech  
20 patents under 35 U.S.C. § 271(b) and contributes to the infringement of the Caltech  
21 patents under 35 U.S.C. § 271(c), in conjunction with such acts of making, using,  
22 offering for sale, and/or importing in or into the United States, without authority,  
23 instrumentalities that fall within the scope of one or more claims of each of the  
24 Caltech patents. The infringing instrumentalities have no substantial non-infringing  
25 uses.

26 42. Sony had and continues to have actual knowledge of the Caltech  
27 patents and their coverage of Sony's infringing instrumentalities, but has  
28 nonetheless engaged in the infringing conduct. Sony's infringement of the Caltech

1 patents was and continues to be willful.

2       43. Samsung has been and is infringing the Caltech patents by making,  
3 using, selling, offering for sale, and/or importing in or into the United States,  
4 without authority, products that fall within the scope of the claims of the Caltech  
5 patents, including but not limited to the products known as Samsung GX-20,  
6 Samsung SC-HMX10C, and Samsung SC-HMX20C.

7       44. Samsung has been and is continuing to induce infringement of the  
8 Caltech patents under 35 U.S.C. § 271(b) and contributes to the infringement of the  
9 Caltech patents under 35 U.S.C. § 271(c), in conjunction with such acts of making,  
10 using, offering for sale, and/or importing in or into the United States, without  
11 authority, instrumentalities that fall within the scope of one or more claims of each  
12 of the Caltech patents. The infringing instrumentalities have no substantial non-  
13 infringing uses.

14       45. Samsung had and continues to have actual knowledge of the Caltech  
15 patents and their coverage of Samsung's infringing instrumentalities, but has  
16 nonetheless engaged in the infringing conduct. Samsung's infringement of the  
17 Caltech patents was and continues to be willful.

18       46. As a direct and proximate result of Defendants' acts of patent  
19 infringement, Caltech has been and continues to be injured and has sustained and  
20 will continue to sustain substantial damages.

21       47. Unless Defendants are enjoined by this Court from continuing their  
22 infringement of the Caltech patents, Caltech will suffer additional irreparable harm  
23 and impairment of the value of its patent rights.

24       48. Caltech has incurred and will incur attorneys' fees, costs, and expenses  
25 in the prosecution of this action. The circumstances of this dispute create an  
26 exceptional case within the meaning of 35 U.S.C. § 285, and Caltech is entitled to  
27 recover its reasonable and necessary attorneys' fees, costs, and expenses.

28 //

**V. PRAYER FOR RELIEF**

Caltech prays for the following relief:

A. A judgment that each Defendant has infringed the Caltech patents as alleged herein, directly and/or indirectly by way of inducing or contributing to infringement of the Caltech patents;

B. A judgment and order requiring each Defendant to pay Caltech damages under 35 U.S.C. § 284, including treble damages for willful infringement as provided by 35 U.S.C. § 284, and supplemental damages for any continuing post-verdict infringement up until entry of the final judgment with an accounting as needed;

C. A judgment and order requiring each Defendant to pay Caltech pre-judgment and post-judgment interest on the damages awarded;

D. A judgment and order finding this to be an exceptional case and requiring each Defendant to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285;

E. A preliminary and thereafter a permanent injunction against each Defendant's direct infringement, active inducements of infringement, and/or contributory infringement of the Caltech patents, as well as against each Defendant's agents, employees, representatives, successors, and assigns, and those acting in privity or in concert with them; and

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1 F. Such other and further relief as the Court deems just and equitable.

2 **VI. JURY DEMAND**

3 Caltech hereby demands that all issues be determined by jury.

4 Dated: December 31, 2008

RUTAN & TUCKER, LLP  
RONALD P. OINES

5  
6 SHORE CHAN BRAGALONE LLP  
7 MICHAEL W. SHORE (*pro hac vice* to be filed)  
8 JOSEPH F. DePUMPO (*pro hac vice* to be filed)  
9 GLENN E. JANIK (*pro hac vice* to be filed)  
10 JUSTIN B. KIMBLE (*pro hac vice* to be filed)

11 By: 

Ronald P. Oines

12 Plaintiff, CALIFORNIA INSTITUTE OF  
13 TECHNOLOGY  
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**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)  
CALIFORNIA INSTITUTE OF TECHNOLOGY

**DEFENDANTS**

CANON U.S.A., INC., CANON, INC., NIKON, INC., NIKON CORP.,  
OLYMPUS AMERICA, INC., OLYMPUS CORP., PANASONIC CORP.  
OF NORTH AMERICA, PANASONIC CORP., SONY ELECTRONICS,  
INC., SONY CORP., SAMSUNG ELECTRONICS AMERICA, AND  
SAMSUNG ELECTRONICS CO., LTD.

Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Michael W. Shore (pro hac vice to be filed), Joseph F. DePumpo (pro hac vice to be filed), Glenn E. Janick (pro hac vice to be filed), Justin B. Kimble (pro hac vice to be filed)

SHORE CHAN BRAGALONE LLP, Bank of America Plaza  
901 Main Street, Ste. 3300

Dallas Texas 75202, Telephone: 214-593-9110

SEE ADDITIONAL PAGE FOR CONTINUATION

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only**  
(Place an X in one box for plaintiff and one for defendant.)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☐ No

☐ **MONEY DEMANDED IN COMPLAINT: \$** Subject to Proof

**VI. CAUSE OF ACTION** (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
Action under 35 U.S.C. Section 271 et seq. for infringement of U.S. Patents.

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 22 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>FORFEITURE / PENALTY</b>	<b>PROPERTY RIGHTS</b>
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input checked="" type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 61 HIA(1395ff)
<input type="checkbox"/> 891 Agricultural Act	<b>REAL PROPERTY</b>	<b>IMMIGRATION</b>	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 863 DIWC/DIWW 405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**FOR OFFICE USE ONLY:** Case Number: **CV08-08637 MRP (VBKx)**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s):

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Each Defendant resides in Los Angeles County pursuant to 28 U.S.C. Section 1391(c)	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date December 31, 2008  
 Ronald P. Oines

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))



*California Institute of Technology v. Canon U.S.A., Inc., et al.*

Additional Page to Civil Case Coversheet

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ATTORNEYS FOR PLAINTIFF CALIFORNIA INSTITUTE OF TECHNOLOGY

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Mariana P. Pfaelzer and the assigned discovery Magistrate Judge is Victor B. Kenton.

The case number on all documents filed with the Court should read as follows:

**2:CV08- 8637 MRP (VBKx)**

The United States District Judge assigned to this case will review all filed discovery motions and thereafter, on a case-by-case or motion-by-motion basis, may refer discovery related motions to the Magistrate Judge for hearing and determination

===== :  
**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Michael W. Shore (pro hac vice to be filed)  
 Joseph F. DePumpo (pro hac vice to be filed)  
 Glenn E. Janik (pro hac vice to be filed)  
 Justine B. Kimble (pro hac vice to be filed)  
 SHORE CHAN BRAGALONE LLP  
 Bank of America Plaza  
 901 Main Street, Ste. 3300  
 Dallas Texas 75202  
 (SEE ADDITIONAL PAGE FOR CONTINUATION)

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

CALIFORNIA INSTITUTE OF TECHNOLOGY  
 PLAINTIFF(S)

v.

CANON U.S.A., INC., CANON, INC., NIKON, INC.,  
 NIKON CORP., OLYMPUS AMERICA, INC., OLYMPUS  
 CORP., PANASONIC CORP. OF NORTH AMERICA,  
 PANASONIC CORP., SONY ELECTRONICS, INC.,  
 SONY CORP., SAMSUNG ELECTRONICS AMERICA,  
 AND SAMSUNG ELECTRONICS CO., LTD.

DEFENDANT(S).

CASE NUMBER

**CV08-08637 MRP (VBKx)**

**SUMMONS**

TO:DEFENDANT(S): CANON U.S.A., INC., CANON, INC., NIKON, INC., NIKON CORP., OLYMPUS AMERICA, INC., OLYMPUS CORP., PANASONIC CORP. OF NORTH AMERICA, PANASONIC CORP., SONY ELECTRONICS, INC., SONY CORP., SAMSUNG ELECTRONICS AMERICA, AND SAMSUNG ELECTRONICS CO., LTD.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Shore Chan Bragalone LLP and Rutan & Tucker, LLP, whose address is 901 Main Street, Ste. 3300, Dallas Texas 75202 and 611 Anton Boulevard, Fourteenth Floor, Costa Mesa, CA 92626, respectively. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: DEC 31 2008

By: 

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

ORIGINAL

*California Institute of Technology v. Canon U.S.A., Inc., et al.*

Additional Page to Summons

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